

類 科：各科別

科 目：法學知識與英文（包括中華民國憲法、法學緒論、英文）

考試時間：1 小時

座號：_____

※注意：(一)本試題為單一選擇題，請選出一個正確或最適當的答案，複選作答者，該題不予計分。
(二)本科目共 50 題，每題 2 分，須用 2B 鉛筆在試卡上依題號清楚劃記，於本試題上作答者，不予計分。
(三)禁止使用電子計算器。

- 1 依憲法第 1 條，中華民國基於三民主義為如何之民主共和國？
(A)自由、平等、博愛 (B)民有、民治、民享 (C)自由、民主、繁榮 (D)生命、自由、財產
- 2 下列關於基本國策中「國防」一節的敘述，何者錯誤？
(A)中華民國之國防，以保護國家安全，維護世界和平為目的
(B)國防之組織以法律定之
(C)現役軍人可以擔任政務要職
(D)任何黨派及個人不得以武裝力量為政爭之工具
- 3 憲法第 172 條規定「命令與憲法或法律牴觸者無效」，此為那一個原則之明文化？
(A)法律保留原則 (B)法律優位原則 (C)國民主權原則 (D)明確性原則
- 4 司法院大法官釋字第 596 號解釋稱，憲法第 7 條之平等非指形式上之平等而是指實質上之平等，因而立法機關基於憲法之價值體系及立法目的，得斟酌下列何者而為合理之差別待遇？
(A)規範事物性質之差異 (B)宗教之不同 (C)法律施行結果 (D)目的與手段之關係
- 5 下列有關秘密通訊自由之說明，何者為非？
(A)秘密通訊自由具有防禦權的作用
(B)刑法第 315 條規定，無故開拆他人之封緘信函，處拘役或三百元以下罰金之規定，係保護人民秘密通訊自由免於受到第三人之侵害
(C)通訊保障及監察法限制國家對於人民通訊之監聽，是保障人民之秘密通訊自由
(D)監獄受刑人，服刑期間享有完全不受限制之秘密通訊自由
- 6 下列何者不是憲法直接明文規定之人民基本義務？
(A)納稅義務 (B)服兵役義務 (C)受國民教育義務 (D)遵守法律義務
- 7 國民出境與入境的權利，屬於憲法那項自由權保障的對象？
(A)宗教自由 (B)遷徙自由 (C)集會結社自由 (D)表現自由
- 8 依憲法增修條文之規定，下列有關總統、副總統任期之陳述，何者為正確？
(A)任期為四年，連選得連任一次 (B)任期為六年，連選得連任一次
(C)任期為四年，連選得連任兩次 (D)任期為四年，無連任次數之限制
- 9 行政院與立法院之關係，下列何者不正確？
(A)行政院有向立法院提出施政方針及施政報告之責
(B)立法院得對行政院院長提出不信任案
(C)立法院通過不信任案後，行政院院長得經總統核可移請覆議
(D)行政院院長因不信任案通過而提出辭職，得同時呈請總統解散立法院
- 10 依憲法增修條文規定，立法委員之選舉，採政黨比例方式選出者為：
(A)區域立法委員 (B)平地原住民及山地原住民立法委員
(C)僑居外國國民立法委員 (D)職業團體立法委員
- 11 依憲法增修條文規定，除民國九十二年提名以外，司法院大法官之任期為：
(A)三年 (B)四年 (C)八年 (D)終身職
- 12 依據憲法本文規定，下列職位何者為終身職？
(A)考試委員 (B)法官 (C)司法院院長 (D)書記官

- 13 依司法院大法官釋字第 530 號解釋，我國司法院依制憲本旨，具有下列那一種地位？
(A)最高法規制定機關 (B)最高司法審判機關 (C)最高法規執行機關 (D)最高檢察機關
- 14 下列何者並非行政院會議之法定成員？
(A)內政部部长 (B)行政院副院長 (C)國家安全局局長 (D)外交部部長
- 15 憲法第 18 條規定，人民有應考試之權，本條所指的考試並不包括下列何者？
(A)大學推薦甄試 (B)高普考試
(C)司法人員特考 (D)專門職業及技術人員考試
- 16 設立有限公司最少應有幾名股東？
(A)一名 (B)二名 (C)五名 (D)七名
- 17 下列何者並非著作權法所明定之改作行為？
(A)翻譯 (B)編曲 (C)演唱 (D)改寫
- 18 甲是一間公司出納，其母乙因股票套牢，慫恿甲將公款暫時挪用，供乙償還銀行貸款，下列關於甲乙兩人犯罪的敘述，何者正確？
(A)甲乙成立普通侵占罪的共同正犯
(B)甲成立業務侵占罪的正犯，乙成立普通侵占罪的正犯
(C)甲成立業務侵占罪的正犯，乙不成立犯罪
(D)甲乙成立業務侵占罪的共同正犯
- 19 民法第 1 條規定民事上法源的優先順序，其中並不包括下列何者？
(A)成文法 (B)判例 (C)習慣 (D)法理
- 20 依憲法第 78 條規定，下列何者有解釋憲法之職權？
(A)監察院 (B)總統 (C)各級法院 (D)司法院
- 21 第二次世界大戰後，鑑於德國納粹及義大利法西斯利用法律實證論，鞏固其統治權，因而產生：
(A)自然法的復興 (B)宗教法的復興 (C)文藝復興 (D)忠孝復興
- 22 關於法律與技術的關係，下列敘述何者錯誤？
(A)法律應隨著科學技術的進步而修正 (B)國家可以透過立法促進科技進步
(C)電磁紀錄在我國仍不得視為文書 (D)法律規範可以採納技術規範作為內容
- 23 下列何者屬於民事制裁？
(A)沒入 (B)懲處 (C)損害賠償 (D)罰鍰
- 24 下列何種權利為專屬權？
(A)名譽權 (B)所有權 (C)債權 (D)占有
- 25 有關「推定」與「擬制」的敘述，何者正確？
(A)推定可以舉反證推翻之，擬制不可 (B)擬制可以舉反證推翻之，推定不可
(C)二者均可以舉反證推翻之 (D)二者均不可以舉反證推翻之
- 26 法院有罪判決確定之後，對於同一案件下列敘述何者錯誤？
(A)仍可以提起上訴 (B)不可以重新起訴
(C)在一定要件下可以提起再審 (D)在一定要件下可以提起非常上訴
- 27 下列何者與屬地主義有關？
(A)刑法第 3 條規定，本法於中華民國領域內犯罪者，適用之
(B)立法委員行為法規定，立法委員在院內依法行使職權所為之議事行為，享有免責權
(C)軍事審判法規定，非現役軍人不受軍事審判
(D)刑法第 6 條規定，我國公務員在中華民國領域外犯偽造文書罪，適用本法
- 28 下列關於我國民主法治發展史上的重大事項與變遷，其時間上的順序（由先到後），何者正確？
(A)制定動員戡亂臨時條款 > 制定憲法增修條文 > 解除戒嚴 > 總統副總統由台灣地區全體人民直接選舉產生
(B)解除戒嚴 > 制定憲法增修條文 > 總統副總統由台灣地區全體人民直接選舉產生 > 中央民意代表全面改選
(C)制定動員戡亂臨時條款 > 中央民意代表全面改選 > 解除戒嚴 > 總統副總統由台灣地區全體人民直接選舉產生
(D)制定動員戡亂臨時條款 > 解除戒嚴 > 制定憲法增修條文 > 總統副總統由台灣地區全體人民直接選舉產生

- 29 狹義的法律，依中央法規標準法第 2 條規定，得定名為法、律、條例或下列何者？
(A)規則 (B)通則 (C)細則 (D)準則
- 30 下列何者非強制規定？
(A)禁止工廠排放廢水 (B)法律行為，有背於善良風俗者，無效
(C)契約雙方得就爭議達成和解 (D)禁止遺棄父母
- 31 On a hot summer day, a glass of iced water can _____ your thirst immediately.
(A) quench (B) arouse (C) conquer (D) yearn
- 32 The locals _____ to setting up a chemical factory in the neighborhood. They were worried that it would cause pollution.
(A) dedicated (B) objected (C) attended (D) addicted
- 33 The student studied very hard to live up to his parents' _____.
(A) predictions (B) admissions (C) expectations (D) permissions
- 34 It is widely known that only a small _____ of the nation's money is spent on education.
(A) fraction (B) fracture (C) fragment (D) fragrance
- 35 Richard wished to make his engagement _____ to all the people at the party.
(A) knowing (B) to know (C) known (D) know
- 36 Jenny : Did you enjoy the movie ?
Sue : It was okay, but I _____ to the concert.
(A) had better go (B) had better have gone
(C) would rather go (D) would rather have gone
- 37 _____ you, I wouldn't make friends with a dishonest person like Jason.
(A) Was I (B) Were I (C) Had I been (D) Have I been
- 38 I was exhausted. Otherwise, I _____ to the party with you last night.
(A) went (B) would go (C) had gone (D) would have gone

請回答第 39 題至第 42 題

Some shoppers are tired of department stores and shopping malls—fighting the crowds, waiting in long lines, and _____ 39 not even finding anything they want to buy. They would rather sit quietly at home in front of the TV set and watch a friendly announcer describe an item _____ 40 a model displays it. And they can shop around the clock, purchasing an item simply by making a phone call and _____ 41 it to a credit card. Home shopping networks understand the power of an enthusiastic host, the glamour of celebrity guests _____ 42 their products, and the emotional pull of bargain.

- 39 (A) every time (B) anytime (C) in no time (D) sometimes
40 (A) while (B) but (C) then (D) so
41 (A) selling (B) claiming (C) taking (D) charging
42 (A) protecting (B) endorsing (C) signing (D) adopting

- 43 Tom : Excuse me. Could you give me some directions ?

Dick : What are you looking for ?

Tom : A library, and I don't have a car.

Dick : _____

- (A) There's one about two blocks away on Elliott Street.
(B) Keep driving for about 5 minutes and turn right at the second traffic light.
(C) Anything else do you need to know ?
(D) The movie theater is between the post office and the library.

44 A : How's your day going ?

B : Terrible.

A : _____

B : The work keeps piling up. I have three deadlines this week.

(A) How are you ?

(B) May I help you ?

(C) What's the matter ?

(D) Could you do me a favor ?

45 A : I'm sorry. It is me who broke Mrs. Wu's window.

B : What ? My goodness ! You are in big trouble. _____

A : I will be more careful next time.

(A) I think I have to go.

(B) I'm sorry you've found the wrong person.

(C) Let's see if you have it right.

(D) You should not have done that.

請回答第 46 題至第 50 題

Times, as we understand and measure it, is a human invention. The science of studying time, as well as the art of making instruments that measure time, is known as horology. Different instruments have been used to keep track of time over the years, in an effort to count time in equal units. Sundials, or sun clocks, were used as early as 3500 B.C. and divided daylight time into equal hours. In Europe, in the fourteenth century, the hourglass was used. Time was then measured by having a quantity of sand, water, or mercury run from the upper to the lower part over a set period of time. The first spring-powered clock was invented in Germany around 1510. The power for this clock came from a metal coil inside called a mainspring. To operate the clock, a person would wind the mainspring by turning a key. Battery-powered clocks were first used in the 1840s, with electric and quartz-powered clocks coming into use in the early 1900s. With the invention of battery and electric-powered clocks, there was no longer the need to wind a mainspring. As a result, time-keeping became much more accurate.

46 The passage above is about _____.

(A) the importance of being always on time

(B) the significance of making time-keeping instruments

(C) the evolution of humans' ideas of time.

(D) the development of horology.

47 Which of the following is also called "sun clocks" ?

(A) Sundials

(B) Hourglasses

(C) Spring-powered clocks

(D) Battery-powered clocks

48 Which of the following is NOT mentioned in the passage to help humans measure time ?

(A) fire

(B) sand

(C) water

(D) quartz

49 According to the author, humans invented different time-keeping instruments in order to _____.

(A) wake up a person on time

(B) measure time in equal units

(C) make good use of time

(D) emphasize the importance of time

50 Which of the following statements is true ?

(A) Sundials were invented in Europe in the fourteenth century.

(B) The hourglass was the first instrument humans invented to measure time.

(C) The first spring-powered clock was invented in China.

(D) Electric-powered clocks are more accurate than spring-powered clocks.